

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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ALLY BANK f/k/a GMAC BANK,

Plaintiff,

-against-

1ST REPUBLIC MORTGAGE BANKERS, INC., SCOTT  
SISSKIND, JOHN REIMER and LENDERS ABSTRACT AND  
SETTLEMENT SERVICES, INC.,

Defendants.

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**APPEARANCES:**

**Emmet, Marvin & Martin, LLP**

*Attorneys for the Plaintiff*

120 Broadway, 32nd Floor

New York, NY 10271

By: Eric M. Reuben, Esq.  
Paul T. Weinstein, Esq.  
Tyler Jay Kandel, Esq.  
Mordechai Geisler, Esq., Of Counsel

**Heller, Horowitz & Feit, PC**

*Attorneys for the Defendants 1st Republic Mortgage Bankers, Inc., Scott Siskind and Lenders  
Abstract and Settlement Services, Inc.*

292 Madison Avenue, 20th Floor

New York, NY 10017

By: Stuart A. Blander, Esq.  
Clifford J. Bond, Esq., Of Counsel

**Aronwald & Pykett**

*Attorneys for the Defendants 1st Republic Mortgage Bankers, Inc., Scott Siskind and Lenders  
Abstract and Settlement Services, Inc.*

81 Main Street, Suite 450

White Plains, NY 10601

By: William I. Aronwald, Esq., Of Counsel

**ORDER**

09-CV-247 (ADS) (WDW)

**Grunwald & Seman, PC**

*Attorneys for the Defendant John Reimer*

100 Garden City Plaza, Suite 203

Garden City, NY 11530

By: Karl C. Seman, Esq., Of Counsel

**Morritt, Hock, Hamroff & Horowitz, LLP**

*Attorney for the Respondent Bank of America, N.A.*

400 Garden City Plaza

Suite 202

Garden City, NY 11530

By: Michael Cardello, III, Esq., Of Counsel

**SPATT, District Judge.**

On January 21, 2009, the Plaintiff commenced this action against the Defendants 1<sup>st</sup> Republic Mortgage Bankers, Inc. (“1<sup>st</sup> Republic”), Scott Sisskind (“Sisskind”), John Reimer (“Reimer”) and Lenders Abstract and Settlement Services, Inc. (“Lenders Abstract,” and collectively, “the Defendants”) asserting seven causes of action and seeking a judgment of \$10,296,429.28 plus interest, late charges, fees, costs and expenses. In relevant part, the seventh cause of action alleged that Reimer “received and still possess the proceeds of certain Warehousing Advances made by [the Plaintiff] to 1<sup>st</sup> Republic,” even though “[t]he proceeds of the Warehousing Advances rightfully belong to [the Plaintiff].” (Compl., ¶¶ 63, 64.)

On February 23, 2009, 1<sup>st</sup> Republic, Sisskind and Lenders Abstract answered. However, Reimer did not answer. On October 5, 2009, the Court entered a default judgment against Reimer and referred this matter to United States Magistrate William D. Wall for an inquest as to damages, including attorneys’ fees and costs. Reimer did not oppose the entry of a default judgment against him or the Plaintiff’s motion for default damages.

On December 7, 2011, Judge Wall issued a Report and Recommendation (“the Report”), recommending that the Court (1) award the Plaintiff damages in the amount of \$8,884,398.57 against Reimer on the seventh cause of action, for conversion, but (2) deny the Plaintiff’s request

for “applicable interest and fees,” because the Plaintiff provided no basis for such an award. (Report, pgs. 1, 2, 6.) To date, there have been no objections filed to the Report.

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Wall’s Report and finds it to be persuasive and without any legal or factual errors. There being no objection to Judge Wall’s Report, it is hereby

**ORDERED**, that Judge Wall’s Report and Recommendation is adopted in its entirety. The Court (1) awards the Plaintiff the full amount of the Warehousing Advances in the amount of \$8,884,398.57 against the Defendant John Reimer and (2) denies the Plaintiff’s request for applicable interest and fees.

**ORDERED**, that the Clerk of the Court is directed to enter judgment in favor of the Plaintiff as against the Defendant John Reimer as set forth above; and it is further

**ORDERED**, that the Plaintiff is directed to advise the Court, within ten days of the date of this Order, of the status of this case with respect to the remaining Defendants.

**SO ORDERED.**

Dated: Central Islip, New York  
March 23, 2013

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge